

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLIE MARIA MEILLEUR,

Plaintiff,

v.

DETECTIVE DOUGLAS STRONG and
ANOTHER OFFICER OF THE 33RD
PRECINCT,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/10/2011

ORDER

10 Civ. 5371 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:


The docket sheet in this action indicates that the complaint was filed on July 14, 2010 and the summons issued on the same day. On November 15, 2010, the Court issued an order providing Plaintiff with notice that if service was not made by December 30, 2010, or if Plaintiff did not make an application by that date to extend the time for service, this action would be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.¹

As of the date of this order, the docket sheet indicates that no proof of service of the summons and complaint has been filed, and the Court has not received any application from Plaintiff to extend the time for service. Therefore, it is hereby ORDERED that this action is dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. The Clerk of the Court is directed to close the case.

¹ As this Court's November 15, 2010 Order explained, Rule 4(m) provides: "[i]f service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion, or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period."

Dated: New York, New York
January 7, 2011

SO ORDERED.



Paul G. Gardephe
United States District Judge

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